



THE POLICE & CRIME COMMISSIONER FOR CLEVELAND

DECISION RECORD FORM

REQUEST: For PCC approval.

Title: Appointment of a service provider – Specialist legal compliance review – Regulation of Investigative Powers Act 2000

Executive Summary:

Following a recent hearing before the Investigatory Powers Tribunal (IPT), in which allegations were made that the Professional Standards Department (PSD) of Cleveland Police had inappropriately sought and obtained authorisations under RIPA, it was anticipated that when judgment was given, failings were likely to be found to exist in decision making employed within PSD in relation to the use of powers to obtain communications data.

Both the Police & Crime Commissioner for Cleveland and the Chief Constable have recognised the seriousness of the issues which have emerged in the course of the recent IPT hearing. They consider it necessary proactively to determine whether the apparent failings in this one case, may or may not be symptomatic of individual, institutional or systemic failings and accordingly the Commissioner and Chief Constable have agreed to conduct a full audit and review of cases dealt with by PSD (including the Anti-Corruption Unit), over the course of the last 6 years in which telephone communications data authorisation was sought.

Accordingly the Police and Crime Commissioner for Cleveland (in conjunction with the Chief Constable) has sought to appoint a suitable Contractor to carry out a specialist legal compliance review, for the period since 1st January 2011, with a view to determining whether RIPA authorisations were sought in a procedurally and legally correct manner and authorised in accordance with all relevant legislation, case law, and guidance.

The specification for the service requires that the resulting report be suitable for publication, subject to the Chief Constable's discretion as to operational sensitivity, and subject to other compelling public interest considerations. The specification also makes provision to the effect that there will be no obligation upon the Contractor to share data (obtained or generated in the process of provision of the Services) with the Police and Crime Commissioner in circumstances in which the Chief Constable considers that such data is operationally sensitive in nature and whose disclosure to the Police and Crime Commissioner would be other than in accordance with normal operational principles.

Decision:

To approve the appointment of a specialist legal advisor (Weightmans LLP) following a mini competition exercise, using the Crown Commercial Services Legal Services Framework.

OPCC Lead Officer: Amanda Wilkinson

Contractor Details (if applicable):

Weightmans LLP
100 Old Hall Street,
Liverpool,
L3 9QJ

Implications:			
Has consideration been taken of the following:	Yes	No	
Financial	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Legal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Equality & Diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Human Rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Sustainability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Risk	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(If yes please provide further details below)			

Decision Required – Supporting Information

Financial Implications: (Must include comments of the PCC's Chief Finance Officer where the decision has financial implications)

The scope of works has an associated (capped) fee of £112,500 plus VAT, which is inclusive of travel, subsistence and accommodation costs. Office accommodation and furniture will be temporarily provided from within the existing estate at no additional cost. No funding was provided with the 2016/17 budget for this work and it is not included within the 2017/18 budget either. Therefore savings will need to be made in year to make these additional costs affordable.

Legal Implications: (Must include comments of the Monitoring Officer where the decision has legal implication)

The specific legal implications are set out within the Executive Summary: the recommendations of the review will be subject to further Monitoring Officer consideration.

Equality and Diversity Implications

Any substantive engagement of equality law will be advised upon by the provider, if it is germane to the review.

Human Rights Implications

Reviewers will consider possible breaches of Article 8 (Right to a Private and Family Life) of those subject to RIPA applications.

Sustainability Implications

The application of lessons learned from the review will be regularly reinforced by the Force.

Risk Management Implications

There are a number of risks associated with this piece of work, which will need to be highlighted by the review team, and sub managed by any appropriate corrective action recommended by them.

OFFICER APPROVAL

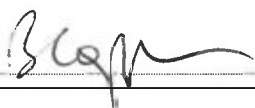
Monitoring Officer

I have been consulted about the decision and confirm that financial, legal, and equalities advice has been taken into account. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner.

Signed  Date 16 February 2017

Police and Crime Commissioner:

The above request HAS my approval.

Signed  Date 16/2/17